

CONSTITUTION

AND

LAWS

OF HIS MAJESTY

KAMEHAMEHA III.,

KING OF THE HAWAIIAN ISLANDS,

PASSED BY THE

NOBLES AND REPRESENTATIVES

AT THEIR SESSION,

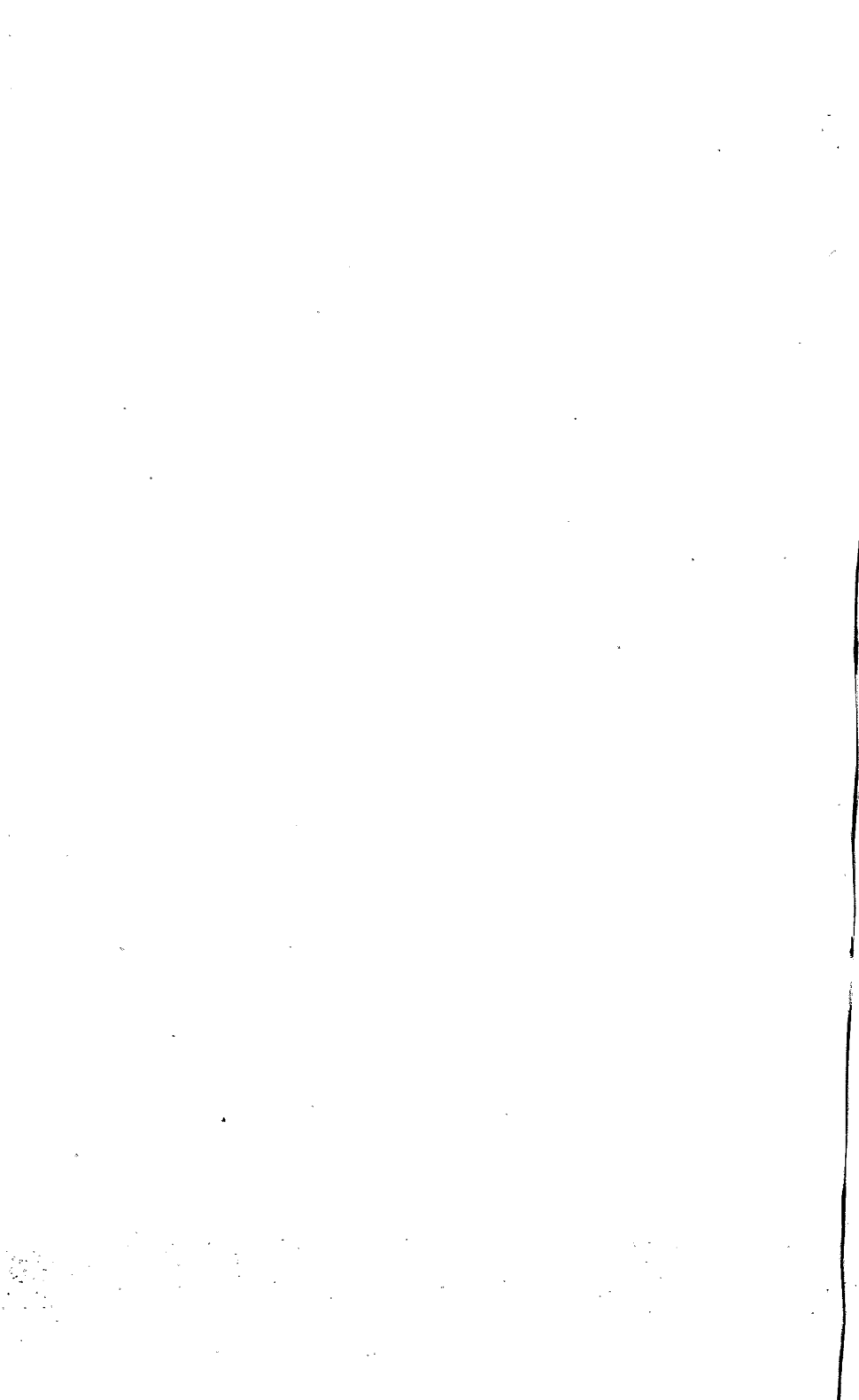
1852.



HONOLULU:

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1852.



CONSTITUTION,

GRANTED BY HIS MAJESTY KAMEHAMEHA III., KING
OF THE HAWAIIAN ISLANDS, BY AND WITH THE
ADVICE AND CONSENT OF THE NOBLES AND
REPRESENTATIVES OF THE PEOPLE IN LEGIS-
LATIVE COUNCIL ASSEMBLED, JUNE 14th, 1852.

DECLARATION OF RIGHTS.

ART. 1. God hath created all men free and equal, and endowed them with certain inalienable rights; among which are life and liberty, the right of acquiring, possessing and protecting property, and of pursuing and obtaining safety and happiness.

ART. 2. All men are free to worship God according to the dictates of their own consciences; but this sacred privilege hereby secured, shall not be so construed as to justify acts of licentiousness or practices inconsistent with the peace or safety of this Kingdom.

ART. 3. All men may freely speak, write and publish their sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech, or of the press.

ART. 4. All men shall have the right, in an orderly and peaceable manner to assemble, without arms, to consult upon the common good; give instructions to their Representatives; and to petition the King or the Legislature for a redress of grievances.

ART. 5. The privilege of the writ of Habeas Corpus belongs to all men, and shall not be suspended, unless by the King, when, in cases of rebellion or invasion, the public safety shall require its suspension.

ART. 6. The right of trial by jury, in all cases in which it has been heretofore used in this Kingdom, shall remain inviolate forever.

ART. 7. No person shall be subject to punishment for any offense, except on due and legal conviction thereof, in a court having jurisdiction of the case.

ART. 8. No person shall be held to answer for any crime or offense (except in cases of impeachment, or for offenses within the jurisdiction of a police or district justice, or in summary proceedings for contempt,) unless upon indictment, fully and plainly describing such crime or offense; and in the trial of any person on the charge of any crime or offense, he shall have the right to meet the witnesses who are produced against him, face to face, to produce witnesses and proofs in his own favor; and by himself, or his counsel, at his election, to examine the witnesses produced by himself, and cross-examine those produced against him; and to be fully heard in his defense.

ART. 9. No person shall be required to answer again for an offense, for which he has been duly convicted, or of which he has been duly acquitted upon a good and sufficient indictment.

ART. 10. No person shall be compelled, in any criminal case to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law.

ART. 11. No person shall sit as judge or juror, in any case in which his relative is interested, either as plaintiff, or defendant, or in the issue of which the said judge or juror may have, either directly or through a relative, any pecuniary interest.

ART. 12. Slavery shall, under no circumstances whatever, be tolerated in the Hawaiian Islands: whenever a slave shall enter Hawaiian territory he shall be free; no person who imports a slave, or slaves, into the King's dominions shall ever enjoy any civil or political rights in this realm; but involuntary servitude for the punishment of crime is allowable according to law.

ART. 13. Every person has the right to be secure from all unreasonable searches and seizures of his person, his houses, his papers, and effects; and no warrants shall issue, but on probable cause, supported by oath or affirmation, and describing the place to be searched, and the person or things to be seized.

ART. 14. The King conducts His Government for the common good; for the protection, safety, prosperity and happiness of His people; and not for the profit, honor, or private interest of any one man, family or class of men among His subjects. Therefore in making laws for the nation, regard shall be had to the protection, interest and welfare not only of the King, the Chiefs, and rulers, but of all the people alike.

ART. 15. Each member of society has a right to be protected by it in the enjoyment of his life, liberty and property, according to standing laws. He is obliged, consequently, to contribute his proportional share to the expense of this protection; to give his personal services, or an equivalent, when necessary; but no part of the property of any individual, can, with justice, be taken from him or applied to public uses without his own consent, or that of the King, the Nobles, and the Representatives of the people. And whenever the public exigencies require that the property of any individual should be appropriated to public uses, he shall receive a reasonable compensation therefor.

ART. 16. No subsidy, impost, duties or tax of any description, shall be established or levied, nor any money drawn from the public treasury under any pretext whatsoever, without the consent of both branches of the legislature; provided that the Legislature shall make provision, in the annual bills of appropriation, for the emergency of war, invasion, or rebellion; and the Minister of Finance shall render a detailed account to the Legislature of any expenditure made under that provision.

ART. 17. All retrospective laws are unjust; therefore, no such laws shall ever be passed.

ART. 18. The Military shall always be subject to the laws of the land; and no soldier shall, in time of peace, be quartered in any house, without the consent of the owner; nor in time of war, but in a manner to be prescribed by the Legislature.

ART. 19. All elections by the people shall be by ballot.

ART. 20. Every elector shall be privileged from arrest on election days, during his attendance at election, and in going to and returning therefrom, except in cases of treason, felony, or breach of the peace.

ART. 21. No elector shall be so obliged to perform military duty, on the day of election, as to prevent his voting, except in time of war or public danger.

FORM OF GOVERNMENT.

ART. 22. The Government of the Kingdom is that of a Constitutional Monarchy, under His Majesty KAMEHAMEHA III, His Heirs, and successors.

OF POWERS.

ART. 23. The Supreme Power of the Kingdom, in its exercise, is di-

vided into the Executive, Legislative and Judicial; these are to be preserved distinct; the two last powers cannot be united in any one individual or body.

OF THE EXECUTIVE POWER.

SECTION 1. THE KING. HIS PREROGATIVES.

ART. 24. The King shall continue to be the supreme Executive Magistrate of this Kingdom under the title of His Majesty.

ART. 25. The crown is hereby permanently confirmed to His Majesty Kamehameha III. during his life, and to his successors. The successor shall be the person whom the King and the House of Nobles shall appoint and publicly proclaim as such, during the King's life; but should there be no such appointment and proclamation, then the successor shall be chosen by the House of Nobles and the House of Representatives in joint ballot.

ART. 26. No person shall ever sit upon the throne who has been convicted of any infamous crime, or who is insane or an idiot. No person shall ever succeed to the crown, unless he be a descendant of the aboriginal stock of Aliis.

ART. 27. The King is Commander in Chief of the Army and Navy, and of all other Military forces of the Kingdom by sea and land; and has full power by himself, or by any officer or officers, he may appoint, to train and govern such forces, as he may judge best for the defense and safety of the Kingdom. But he shall never proclaim war without the consent of His Privy Council.

ART. 28. The King, by and with the advice of His Privy Council, has the power to grant reprieves and pardons, after conviction, for all offenses, except in cases of impeachment.

ART. 29. The King, by and with the advice of His Privy Council, convenes both Houses of the Legislature at the seat of Government, or at a different place, if that should become dangerous, from an enemy, or any dangerous disorder; and in case of disagreement between the two Houses, or between His Majesty and them, He adjourns, prorogues, or dissolves them, but not beyond the session of the next year: under any great emergency, He may convene both, or either of them to extraordinary sessions.

ART. 30. The King has the power, by and with the advice of His Privy Council, to make treaties, and appoint Ambassadors, other pub-

lic Ministers and Consuls who shall be commissioned, accredited and instructed agreeably to the usage and laws of nations.

ART. 31. It is His prerogative to receive and acknowledge ambassadors and other public ministers; to inform the Legislature by Royal Message, from time to time, of the state of the Kingdom, and to recommend to their consideration such measures as he shall judge necessary and expedient.

ART. 32. He has the power, by and with the advice of His Cabinet, and the approval of His Privy Council, to appoint and remove at His pleasure any of the several heads of the Executive Departments, and he may require information in writing from any of the officers in the Executive Departments, upon any subject relating to the duties of their respective offices.

ART. 33. It is his duty to see that the Treaties and Laws of the land are faithfully observed and executed.

ART. 34. The King has the power from time to time, to assemble His Cabinet or Privy Councillors to advise with him agreeably with the Constitution and Laws of the land.

ART. 35. The person of the King is inviolable and sacred; His Ministers are responsible; to the King belongs the Executive power; all laws that have passed both Houses of the Legislature, for their validity, shall be signed by His Majesty and the Kuhina Nui; all his other official acts shall be approved by the Privy Council, countersigned by the Kuhina Nui, and by the Minister to whose Department such act may belong.

ART. 36. The King is Sovereign of all the Chiefs and of all of the People; the Kingdom is His.

ART. 37. All titles of honor, orders, and other distinctions emanate from the King.

ART. 38. The King coins money and regulates the currency by law.

ART. 39. The King, by and with the approval of His Cabinet and Privy Council, in case of invasion or rebellion, can place the whole Kingdom, or any part of it under martial law; and he can even alienate it, if indispensable to free it from the insult and oppression of any foreign power.

ART. 40. The King's Standard and the National Ensign are maintained as now established.

ART. 41. The King's private lands and other property are inviolable.

ART. 42. The King cannot be sued or held to account in any court or tribunal of the Realm.

SECTION II. OF THE KUHINA NUI.

ART. 43. The King appoints some chief of rank and ability to be his Kuhina Nui, who shall be styled the Kuhina Nui of the Hawaiian Islands, and whose title shall be Highness.

ART. 44. The Kuhina Nui shall be the King's special Counsellor in the great affairs of the Kingdom. All business connected with the special interests of the Kingdom, which the King wishes to transact, shall be done by the Kuhina Nui under the authority of the King. All Acts, Royal Patents, Commissions, and other official documents, duly executed by the Kuhina Nui in the name and by the consent of the King, agreeably with article 35, unless specially excepted by law, shall be equally binding as if executed by the King himself.

ART. 45. All important business of the Kingdom which the King chooses to transact in person, he may do, but not without the approbation of the Kuhina Nui. The King and Kuhina Nui shall have a negative on each other's public acts.

ART. 46. The Kuhina Nui shall have charge of the Great Seal of the Kingdom, of the Royal Standard, and of the National Flag; and in the absence of the King, he shall preside over the deliberations of the Privy Council.

ART. 47. Whenever the throne shall become vacant by reason of the King's death, or otherwise, and during the minority of any heir to the throne, the Kuhina Nui, for the time being, shall, during such vacancy or minority, perform all the duties incumbent on the King, and shall have and exercise all the powers, which by this Constitution are vested in the King.

ART. 48. Whenever during the vacancy of the throne, or the minority of any heir to it, the office of Kuhina Nui shall become vacant by death, resignation, or otherwise, then the Privy Council, or the major part of them, shall, during such vacancy, have full power and authority to do, and execute all and every such acts, matters, and things, as the King or Kuhina Nui might or could, by virtue of this

Constitution, do or execute. And in such case, the Privy Council, immediately after the occurring of such vacancy, shall cause a meeting of both Houses of the Legislature, who shall elect by joint ballot a person to fill the office of Kuhina Nui.

SECTION III. OF THE PRIVY COUNCIL.

ART. 49. There shall continue to be a Council of State for advising the King in the Executive part of the Government, and in directing the affairs of the Kingdom, according to the Constitution and laws of the land, to be called *the King's Privy Council of State*.

ART. 50. The members of the Privy Council are appointed by the King, and hold their offices during His Majesty's pleasure. The King's Ministers and the Governors of the Islands are, ex officio, members of His Privy Council. The Privy Council regulates its own proceedings by Bye-laws enacted by themselves and approved by the King.

SECTION IV. OF THE KING'S MINISTERS.

ART. 51. The Ministers of the King are appointed and commissioned by Him, and hold their offices during His Majesty's pleasure, subject to impeachment.

ART. 52. The King's Ministers constitute his Cabinet Council, and, as such, are his special advisers in the Executive affairs of the Kingdom.

ART. 53. Each of them shall keep an office at the seat of Government, be accountable for the conduct of his deputies and clerks; and grant information, so far as may consist with the King's honor and the good of the public service, to either House of the Legislature, or attend upon either in person, or by deputy, as such House shall determine.

ART. 54. Each of them shall make an annual report to the Legislature, made up to the first of January next preceding, of the transactions and business of his Department, within one week after the opening of the Legislature.

ART. 55. The King's Ministers hold seats in the House of Nobles; and they have the right to be heard in the House of Representatives, when accused of mal-administration in office.

SECTION V. OF THE GOVERNORS.

ART. 56. The King, by and with the advice of His Privy Council, appoints and commissions the Governors of His several Islands; the Governors hold office for the term of four years, subject to impeachment.

ART. 57. The King with the consent of the Governor, may appoint in one or more islands, a Lieutenant Governor, during His pleasure, to assist the Governor but always subordinate to him in authority.

ART. 58. The Governors, in case of sickness, or unavoidable absence, in all cases where no Lieutenant Governor has been appointed, have power to appoint substitutes, for all whose official acts they are responsible.

ART. 59. The Governors, subject to the King, shall have the executive control of their respective Islands, agreeably with the Constitution and laws of the land; and they shall have the command of the military forces of their respective Islands, and shall make an annual report of the administration of their respective Islands to the Minister of the Interior.

OF THE LEGISLATIVE POWER.

ART. 60. The Legislative Power of this Kingdom is vested in the King, the House of Nobles, and the House of Representatives; each of whom has a negative on the other.

ART. 61. The Legislative Body shall assemble annually, for the purpose of seeking the welfare of the nation, in the first week in April, and at such other time, and in the place that the King may judge necessary. This Body shall be styled the Legislature of the Hawaiian Islands.

ART. 62. Full power and authority are hereby given to said Legislature, from time to time, to make all manner of wholesome laws, either with penalties or without, as they shall judge to be for the welfare of the nation, and for the necessary support and defense of good government; provided the same be not repugnant or contrary to this Constitution.

ART. 63. No bill or resolution, although it may have passed the Legislature, shall become a law, or have force as such, until it shall have been presented to the King, through the Kuhina Nui, for his re-

visal, and if he approve thereof, he shall signify his approbation by signing the same. But if he have any objection to the passing of such bill or resolve, he shall return it with his objections in writing to that House in which it shall have originated, who shall enter the objections at large on their journal, and no such bill shall be brought forward thereafter during the same session.

ART. 64. Each House shall be the judge of the qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and compel the attendance of absent members, in such manner and under such penalties as each House may provide.

ART. 65. Each House shall choose its own officers, and determine the rules of its own proceedings.

ART. 66. Each House shall have authority to punish by imprisonment, not exceeding thirty days, every person, not a member, who shall be guilty of disrespect to the House, by any disorderly or contemptuous behavior in its presence; or who during the time of its sitting, shall threaten harm to the body or estate of any of its members, for any thing said or done in the House, or who shall assault any of them therefor, or who shall assault or arrest any witness or other person ordered to attend the House, in his way going or returning; or who shall rescue any person arrested by order of the House.

ART. 67. Each House may punish its own members for disorderly behavior.

ART. 68. Each House shall keep a journal of its proceedings, and the yeas and nays of the members of either House, on any question, shall, at the desire of one fifth of those present, be entered on the journal.

ART. 69. The members of either House shall in all cases, except treason, felony or breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and they shall not be held to answer for any speech, or debate made in the House, in any other court or place whatsoever.

ART. 70. The Members of the House of Representatives shall receive, for their services a compensation to be ascertained by law and paid out of the public treasury, but no increase of compensation shall

take effect during the year in which it shall have been made; and no law shall be passed, increasing the compensation of said members beyond the sum of three dollars per day.

ART. 71. The members of the House of Nobles sit without pay; but they may receive hereafter such a compensation as the law may enact.

OF THE HOUSE OF NOBLES.

ART. 72. The King appoints the members of the House of Nobles, who hold their seats during life, subject to the provision of article 67; but their number shall not exceed thirty.

ART. 73. No person shall be eligible to a seat in the House of Nobles, who shall not have attained to the age of twenty-one years and resided in the Kingdom five years.

ART. 74. The House of Nobles shall be a Court with full and sole authority to hear and determine all impeachments made by the House of Representatives, against any officer or officers of the Kingdom, for mis-conduct and mal-administration in their offices; but previous to the trial of every impeachment, the members shall respectively be sworn, truly and impartially to try and determine the charge in question, according to evidence and the law. Their judgment, however, shall not extend further than to removal from office and disqualification to hold or enjoy any place of honor, trust, or profit under this government; but the party so convicted shall be, nevertheless, liable to indictment, trial, judgment, and punishment, according to the laws of the land.

OF THE HOUSE OF REPRESENTATIVES.

ART. 75. The House of Representatives shall be composed of not less than twenty-four nor more than forty members, who shall be elected annually.

ART. 76. The Representation of the people shall be based on the principle of equality, and shall be forever regulated and apportioned according to the population, to be ascertained by the official census. In the year one thousand eight hundred and fifty-three, and every sixth year thereafter, the number of Representatives shall be fixed by the Legislature agreeably with this and the preceding article.

ART. 77. No person shall be eligible for a Representative of the people, who is insane, or an idiot, or who shall at any time have been convicted of any infamous crime; nor unless he be a male subject or

denizen of the Kingdom, who shall have arrived at the full age of twenty-five years, who shall know how to read and write, who shall understand accounts, and who shall have resided in the Kingdom for at least one year immediately preceding his election.

ART. 78. Every male subject of His Majesty, whether native or naturalized, and every denizen of the Kingdom, who shall have paid his taxes, who shall have attained the full age of twenty years, and who shall have resided in the Kingdom for one year immediately preceding the time of election, shall be entitled to one vote for the representative or representatives, of the district in which he may have resided three months next preceding the day of election; provided that no insane person, nor any person who shall at any time have been convicted of any infamous crime, within this Kingdom, unless he shall have been pardoned by the King, and by the terms of such pardon been restored to all the rights of a subject, shall be allowed to vote.

ART. 79. All bills or resolves for raising the revenue, or calling for any expenditure of the public money, shall originate in the House of Representatives; but the House of Nobles may propose or concur with amendments as on other bills.

ART. 80. The House of Representatives shall be the grand inquest of the Kingdom; and all impeachments made by them shall be heard and tried by the House of Nobles.

OF THE JUDICIARY.

ART. 81. The Judicial Power of the Kingdom shall be vested in one Supreme Court, and in such inferior courts as the Legislature may from time to time establish.

ART. 82. The Supreme Court shall consist of a Chief Justice and two associate Justices, any of whom may hold the court. The Justices of the Supreme Court shall hold their offices during good behavior, subject to removal upon impeachment; and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office. Provided, however, that any judge of the Supreme Court, or of any other Court of Record, may be removed from office for mental or physical inability by a concurrent resolution of two-thirds of both branches of the Legislature. The judge against whom the Legislature may be about to proceed, shall re-

ceive notice thereof, accompanied by a copy of the causes alledged for his removal, at least twenty days before the day on which either branch of the Legislature shall act thereon.

ART. 83. The Kingdom shall be divided, by law, into a convenient number of circuits, not less than four, nor exceeding eight, subject to alteration by the Legislature, from time to time, as the public good may require; for each of which one or more Circuit Judges, not exceeding three, however, shall be appointed to hold their offices during good behavior, subject to removal upon impeachment.

ART. 84. The judicial power shall extend to all cases in Law and Equity, arising under the Constitution, any law of this Kingdom, and treaties made, or which shall be made under their authority; to all cases affecting Ambassadors, other public ministers and Consuls, and to all cases of Admiralty and maritime jurisdiction.

ART. 85. The Judicial power shall be divided among the Supreme Court and the several inferior courts of the Kingdom, in such manner as the Legislature may from time to time indicate.

ART. 86. The Chief Justice of the Supreme Court shall be the Chancellor of the Kingdom; he shall be *ex-officio* President of the House of Nobles in all cases of impeachment, unless when impeached himself; and exercise such jurisdiction in equity or other cases as the law may confer upon him, his decisions being subject, however, to the revision of the Supreme Court, on appeal.

ART. 87. The decisions of the Supreme Court, when made by a majority of the Justices thereof, shall be final and conclusive upon all parties.

ART. 88. The King, His Ministers, the Governors, and each branch of the Legislature shall have authority to require the opinions of the Justices of the Supreme Court, upon important questions of law, and upon solemn occasions.

ART. 89. The King, by and with the advice of His Privy Council, appoints the Justices of the Supreme Court, and all other Judges of Courts of Record; their salaries are fixed by law.

ART. 90. The Governors, by and with the advice of the Justices of the Supreme Court, shall appoint the District Justices of their respective islands.

ART. 91. In order that the people may not suffer from long contin-

uance in place of any District Justice, who shall fail of discharging the important duties of his office with ability and fidelity, all commissions of District Justices shall expire and become void in the term of two years from their respective dates ; and upon the expiration of any commission the same shall be renewed, or another person appointed, as shall most conduce to the well-being of the Kingdom. Provided always, that District Justices shall be subject to removal at any time by the Circuit Court of their respective islands, for causes particularly assigned by the Judges of said Court in rendering their judgment. But no District Justice shall be removed until he shall have notice of the charges made against him and an opportunity of being heard in his defense.

ART. 92. No Judge or Magistrate can sit alone on an appeal or new trial, in any case on which he may have given a previous judgment.

ART. 93. It shall be the duty of the Chief Justice to make an annual report, through the Minister of the Interior, to the Legislature, of the state of the Judiciary of the Kingdom in all its branches.

OF OATHS.

ART. 94. The King, after approving this Constitution, shall take the following oath :

I solemnly swear, in the presence of Almighty God, to maintain the Constitution of the Kingdom whole and inviolate, and to govern in conformity with that and the laws.

ART. 95. The Kuhina Nui shall take the same oath ; and when exercising the Executive Power, during a minority, he shall take the following oath :

I solemnly swear, in the presence of Almighty God, to preserve the rights of the Heir to the Crown, and the Constitution whole and inviolate, and to govern in conformity with that and the law.

ART. 96. Every member of the House of Nobles shall take the following oath :

I most solemnly swear, in the presence of Almighty God, that I will loyally support the Constitution and Laws of the Hawaiian Islands, and conscientiously and impartially discharge my duty as a member of this House.

ART. 97. Every member of the House of Representatives shall take the following oath :

I most solemnly swear in the presence of Almighty God, that I will faithfully support the Constitution and Laws of the Hawaiian Islands and conscientiously and impartially discharge my duties, as a Representative of the people.

GENERAL PROVISIONS.

ART. 98. No person shall ever hold a seat in the Legislature, or any office of honor, trust, or profit under the Government of the Hawaiian Islands, who shall in due course of law, have been convicted of theft, bribery, perjury, forgery, embezzlement, or other high crime or misdemeanor.

ART. 99. No officer of this Government shall hold any office, or receive any pension or salary, from any other government or power whatever.

ART. 100. The Legislature votes the appropriations for the year, after due consideration of the revenue and expenditure of the year preceding, and of the estimates of the revenue and expenditure for the current year, which shall be submitted to them by the Minister of Finance ; all which accounts shall be appended to the Bill of Appropriations and published annually.

ART. 101. The enacting style in making and passing all Acts and Laws, shall be:—"Be it enacted by the King, the Nobles and the Representatives of the Hawaiian Islands in Legislative Council assembled."

ART. 102. To avoid improper influences which may result from intermixing in one and the same Act such things as have no proper relation to each other, every law shall embrace but one object, and that shall be expressed in the title.

ART. 103. All laws now in force in this Kingdom, shall continue and remain in full effect, until altered or repealed by the Legislature ; such parts only excepted as are repugnant to this Constitution. All laws now enacted, or that may hereafter be enacted, contrary to this Constitution, shall be null and void.

ART. 104. This Constitution shall be in force from the first Monday of December in the year one thousand eight hundred and fifty-two ; but that there may be no failure of justice, or danger to the Kingdom, from any change, all officers of this Kingdom, at the time this Constitution shall take effect, shall have, hold, and exercise all the powers to them granted, until other persons shall be appointed in their stead ;

and all courts of law shall proceed in the execution of the business of their respective departments ; and all executive and legislative officers, bodies and powers, shall continue in full force, in the enjoyment and exercise of their trusts, employments and authority, until new appointments or elections shall take place under this Constitution.

MODE OF AMENDING THE CONSTITUTION.

ART. 105. Any amendment or amendments to this constitution may be proposed in either branch of the legislature, and if the same shall be agreed to by a majority of the members of each house, such proposed amendment or amendments shall be entered on their journals, with the yeas and nays taken thereon, and referred to the next legislature ; which proposed amendment or amendments shall be published for three months previous to the election of the next house of representatives ; and if, in the next legislature, such proposed amendment or amendments, shall be agreed to by two-thirds of all the members of each house, and be approved by the King, such amendment or amendments shall become part of the Constitution of this Kingdom.

KAMEHAMEHA.

KEONI ANA.

SESSION LAWS.----1852.

AN ACT

MAKING KNOWN MEMBERS RECEIVED INTO THE HOUSE OF
NOBLES.

Whereas,—H. Kalama, B. Namakeha, J. Piikoi, J. Kapena, P. Kanoa, K. Kapaakea, J. Kaeo have since 4th April, 1815, and subsequently J. Keelikolani and G. L. Kapeau, held their seats in the House of Nobles without objection ;

And, whereas, the clause in the Constitution which requires this to be made known by law, may not have been formally observed ;

Therefore,

BE IT ENACTED *by the Nobles and Representatives of the people, in Legislative Council assembled:*

That the above-named persons are made known as members of the House of Nobles, according to the Constitution, and all their acts, as such, are of as full and binding effect as if said formality had been observed:

And moreover, that the Princes Liholiho and Kamehameha are members of the House of Nobles.

Approved, this twelfth day of May, A. D., 1852.

KAMEHAMEHA.

KEONI ANA.

AN ACT

TO PREVENT THE CARRYING OF DEADLY WEAPONS.

WHEREAS, the habit of carrying deadly weapons is dangerous to life and the public peace,

Therefore—

BE IT ENACTED *by the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled :*

SECTION 1. Any person not authorized by law, who shall carry, or be found armed with, any bowie-knife, sword-cane, pistol, air-gun, slung-shot or other deadly weapon, shall be liable to a fine of no more than Thirty, and no less than Ten Dollars, or in default of payment of such fine, to imprisonment at hard labor, for a term not exceeding two months and no less than fifteen days, upon conviction of such offense before any District Magistrate, unless good cause be shown for having such dangerous weapons ; and any such person may be immediately arrested without warrant by the Marshal or any Sheriff, Constable or other officer or person and be lodged in prison until he can be taken before such Magistrate.

SECTION 2. The following persons are hereby declared to be authorized to bear arms, viz :—All persons holding official, military or naval rank either under this government or that of any nation at peace with this Kingdom, when worn for legitimate purposes.

SECTION 3. This Act shall take effect and become a law on the day of its passage.

Approved this twenty-fifth day of May, A. D., 1852.

KAMEHAMEHA.

KEONI ANA.

AN ACT

PROVIDING FOR RECIPROCAL DUTIES ON CERTAIN ARTICLES
WITH THE UNITED STATES OF NORTH AMERICA.

BE IT ENACTED *by the King, the Premier and Chiefs of the Hawaiian Islands in Council assembled :*

SECTION 1. All flour, fish, coal, lumber, staves and heading, the produce or manufacture of the United States, shall be admitted into this Kingdom free of all duty ; provided the Government of the United States will admit the Sugar, Syrup of Sugar, Molasses and Coffee, the produce of the Hawaiian Islands, into all the Ports of the United States on the same terms.

SECTION 2. The evidence that articles proposed to be admitted into the ports of this Kingdom, under the preceding section, are the produce or manufacture of the United States, shall be a certificate to that effect from the Hawaiian Consul of the Port from which such articles are imported, or in case there shall be no such Consul resident in such Port, a certificate to that effect from the Collector of the Port.

SECTION 3. This Act shall take effect on the day it is concurred in by the Government of the United States, and continue in force until annulled by the Government of the Hawaiian Islands, or of the United States ; provided always that previous to any such annulment, the Government desiring to make the same shall give twelve months' notice of their intention so to do.

Done at the Palace in Honolulu this first day of March, in the year of our Lord, one thousand eight hundred and fifty-two.

KAMEHAMEHA.

KEONI ANA.

Approved by the Houses of Nobles and Representatives, May 25th,
1852.

KAMEHAMEHA.

KEONI ANA.

AN ACT

REGULATING THE LIABILITIES OF SEAMEN.

BE IT ENACTED *by the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled :*

SEC. 1.—That Seamen legally attached to any vessel, while lying in any of the Ports of this Kingdom, shall not be liable for any debts contracted while so attached.

SEC. 2.—Seamen regularly discharged, shall not be liable for any debts contracted within the period of the Permit to remain in the Kingdom.

SEC. 3.—This act shall become a law from the date of its publication in the Polynesian Newspaper and Elele Hawaii.

Approved this twenty-fifth day of May, A. D., 1852.

KAMEHAMEHA.

KEONI ANA.

AN ACT

REPEALING THE POLL TAX ON WOMEN AND GIRLS.

BE IT ENACTED *by the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled :*

SECTION 1. That the portion of Sec. I., Art. I., Chap. II., Part III. of the "Act to organize the Executive Departments," reading "every female subject of His Majesty, having attained the same age, unless in like manner exempted, shall pay annually half a dollar," and also "every female child between the same ages, shall pay a quarter of a dollar," shall be, and the same is hereby repealed. And hereafter no woman or girl in this Kingdom shall be liable to either of the above named taxes, and all laws, or parts of laws not in accordance with the provisions of this Act, are hereby repealed. •

SECTION 2. This Act shall become a law on the day of its publication in the Polynesian and Elele newspapers.

Approved this 4th day of June, A. D., 1852.

KAMEHAMEHA.

KEONI ANA.

AN ACT

ABOLISHING THE PUNISHMENT OF WOMEN WHO BECOME PREG-
NANT BY FORNICATION OR ADULTERY.

BE IT ENACTED *by the Nobles and Representatives of the Hawaiian
Islands in Legislative Council assembled :*

SECTION 1. No woman who shall become pregnant by fornication or adultery, shall be fined or otherwise punished, until after the birth of the child ; however, if the child shall not live to the age of four months, then the woman thus guilty, shall be punished in accordance with chapter XII, of the Penal Code passed by the Legislature on the 21st day of June, A. D., 1850, but if the child shall live the time above specified then the woman shall not be punished.

* SECTION 2. This Act shall effect from the day of its publication in the "Polynesian" and the "Elele Hawaii."

Approved this 19th day of June, A. D., 1852.

KAMEHAMEHA.

KEONI ANA.

AN ACT

RELATING TO THE BONDING OF SPIRITS AND OTHER MERCHAN-
DISE.

BE IT ENACTED *by the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled.*

SECTION 1. No spirits or other merchandise shall be entered in bond, either for consumption or exportation, at any of the ports of this Kingdom, except Honolulu, Lahaina and Hilo, and no spirits or wines subject to a duty higher than five per cent ad valorem, shall be so entered at Hilo.

SECTION 2. This Act shall take effect and become a law on the thirtieth day after its passage.

Approved this 19th day of June, A. D. 1852.

KAMEHAMEHA.

KEONI ANA.

AN ACT

TO PROVIDE FOR THE APPOINTMENT OF A VICE PRESIDENT OF
THE LAND COMMISSION.

BE IT ENACTED *by the Nobles and Representatives of the Hawaiian
Islands in Legislative Council assembled :*

SECTION 1. The President of the Board of Commissioners to quiet Land Titles, shall be and is hereby empowered to appoint a Vice President of said Board, who shall also be a member of said Board, and who shall discharge all the duties of the President, under responsibility to him, and shall have the direction and supervision of the business of the Board whenever said President may be absent. Such Vice President shall be devoted exclusively to the labors of the Board and hold no office disconnected with the Land Commission.

Whenever a vacancy shall occur in the office of such Vice President by death, resignation, removal, or other cause, the vacancy shall be filled by the President.

SECTION 2. This Act shall take effect on the day of its passage.

Approved this 19th day of June, A. D., 1852.

KAMEHAMEHA.

KEONI ANA.

AN ACT
ABOLISHING LAND TAXES.

WHEREAS, the present land tax is unequal and unjust, bearing hard upon the poor natives;

Therefore,

BE IT RESOLVED, *by His Majesty the King, the Premier and the Nobles resident near His Majesty :*

That all land taxes now existing in this Kingdom shall be, and are hereby abolished, until the meeting of the next Legislature, when it shall be at the option of the Nobles and Representatives to confirm or annul this resolution.

Done at the Palace in Honolulu this first day of July, A. D., 1851.

KAMEHAMEHA.

KEONI ANA.

Approved by the House of Nobles and Representatives, June 19, A. D., 1852.

KAMEHAMEHA.

KEONI ANA.

AN ACT

RELATING TO LAND TITLES OF KONOHIKIS.

BE IT ENACTED *by the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled :*

SECTION 1. That the Board of Commissioners to quiet land titles be and is hereby empowered to grant titles to Konohikis for whole Ahupuas or Ilis of lands, received by them from the King in the division of 1818, awarding said lands by their proper names, without survey ; provided however, that this shall not apply to any land which has to be divided between two Konohikis, or between the King and any Konohiki, or between the Government and the King, or any Konohiki, which lands shall be awarded according to survey, at least in their dividing lines.

SECTION 2. This law shall take effect from and after the day of its passage.

Approved this 19th day of June, A. D., 1852.

KAMEHAMEHA.

KEONI ANA.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO CONFER CERTAIN PRIVILEGES ON THE OWNERS OF PLANTATIONS."

BE IT ENACTED *by the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled:*

SECTION 1. That section 1 of the act to confer certain privileges on the owners of plantations be and is hereby amended by striking out the words "coffee or" and inserting after the word "extent," as follows: "or any other plantation of at least twenty-five acres in extent; provided, that not less than that number of acres be under actual cultivation."

SECTION 2. This act shall take effect and become a law of the land from and after the day of its passage.

Approved this 22d day of June, A. D., 1852.

KAMEHAMEHA.

KEONI ANA.

AN ACT

TO ABOLISH THE LAW OF ILLICIT COHABITATION.

WHEREAS, the law relating to illicit cohabitation is misunderstood by the District Justices, misapplied, and made the engine of great oppression;

Therefore,

BE IT ENACTED *by the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled:*

SECTION 1. The fifth section of the thirteenth chapter of the Penal Code, relating to illicit cohabitation, shall be and is hereby repealed, and such offense shall hereafter be punished as adultery.

SECTION 2. This act shall take effect from the day of its passage.

Approved this 22d day of June, A. D., 1852.

KAMEHAMEHA.

KEONI ANA.

AN ACT.

FREEING WOMEN FROM KONOHIKI'S LABOR.

WHEREAS, it is inconsistent to continue Konohiki labor upon women, although it was of old deemed proper in this Kingdom;

Therefore,

BE IT ENACTED *by the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled :*

SECTION 1. That the words in section 12, "the work of women," third chapter of the laws of the Hawaiian Kingdom, reading thus : "If any woman will not work as prescribed in the words of this section, she shall return to the work of the Konohiki as in former times, to the work appropriate to the women," be repealed and annulled, and from this time forth no woman shall ever be compelled to go to the Konohiki's work.

SECTION 2. This Act shall become a law of the Kingdom on the day of its publication in the Polynesian and Elele Hawaii.

Approved this 22d day of June, A. D. 1852.

KAMEHAMEHA.

KEONI ANA.

AN ACT

RELATING TO PEDDLING LICENSES.

BE IT ENACTED *by the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled :*

SECTION 1. That all peddling licenses hereafter granted to the Island of Maui, shall extend to the islands of Mōlokaï and Lanai, also that all such licenses granted for the Island of Kauai, shall extend to the Island of Niihau.

SECTION 2. This Act shall take effect on the day of its passage.

Approved this 22d day of June, A. D., 1852.

KAMEHAMEHA.

KEONI ANA.

AN ACT

RELATING TO STALLIONS.

BE IT ENACTED *by the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled :*

SECTION 1. The Minister of the Interior shall appoint three persons in each of the Island divisions of this Kingdom, not being the owners of stallions, to be inspectors of horses, whose duty it shall be to examine all stallions presented for their inspection, and if upon such examination, any stallion so presented shall appear to the said inspectors, or a majority of them, to be a suitable horse for breeding, they shall deliver a certificate to that effect to the owner of said stallion free of charge.

SECTION 2. It shall be the duty of the governors of the respective Island divisions of this Kingdom to grant licenses to all persons desirous of keeping stallions who shall present a certificate to them therefor from the Inspectors of stallions in the Island division wherein such person may reside.

SECTION 3. The licenses granted under the provisions of this act shall be good for two years from their date, and renewable on their expiration ; and the respective governors shall be entitled to demand and receive from every person receiving any such license, the sum of one dollar to be paid over by the Governor to the Inspectors of horses.

SECTION 4. Any person who shall keep a stallion in contravention of the provisions of this Act, shall be liable for all the damages such stallion may do to other persons, which damages may be recovered in an action at law.

SECTION 5. This act shall take effect from and after the first day

of January 1853, and the Minister of the Interior is hereby charged with its execution.

Approved this 22d day of June, A. D. 1852.

KAMEHAMEHA.

KEONI ANA.

AN ACT

RELATING TO THE SALE OF INTOXICATING LIQUORS ON THE
SABBATH.

BE IT ENACTED *by the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled :*

THAT, from and after the first day of July, A. D., 1852, no person licensed to sell ardent spirits, either by the glass or bottle, or licensed to sell wine, ale, porter or spruce beer, shall sell or furnish the same from the hour of 10 o'clock of each Saturday evening until the hour of 5 o'clock A. M. of the Monday following, under a penalty of not more than five hundred dollars, nor less than one hundred dollars, upon conviction of such offense before any police or district Justice : provided that this act shall not be so construed as to interfere with the ordinary supplies of the above named liquors on the tables of hotels and victualing houses.

Approved this 22d day of June, A. D. 1852.

KAMEHAMEHA.

KEONI ANA.

AN ACT

TO AMEND THE LAW RELATING TO PASSPORTS.

WHEREAS, the existing laws regulating the issue of passports have not worked satisfactorily,

Therefore—

BE IT ENACTED *by the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled :*

SECTION 1. In thirty days from the day of the date of the publication hereof, the Minister of Foreign Relations shall cease to issue passports, except to those whom the King may order out of, or permit to leave the Kingdom, to agents of the King sent abroad, to the agents and officers of foreign nations entitled to safe conduct by the Law of Nations, to clergymen who have served as such on the islands, and all members and persons belonging to the christian missions on the islands, and to distinguished individuals, travelling for purposes of pleasure or service, to all of whom as may be necessary, if requested, he shall issue passports gratis in the name of the King, without a stamp, but under his own official seal, according to a form to be approved of by the King and Privy Council.

SECTION 2. The Minister of Foreign Relations shall number all passports so issued consecutively, and register a copy of each in a book to be kept for reference, and in case of his sickness or absence, it shall be lawful for his chief clerk, to sign such passports for him as he may direct.

SECTION 3. In all ordinary cases, passports in the form established by law, but without the seal of the Hawaiian Islands, shall be issued by the collector general of customs in Honolulu, and by the collectors of the several ports of entry and departure, or in case of sickness or

absence, by their respective agents, to all applicants for the same, paying simply the cost of the stamp, which is one dollar, saving and excepting only, to those of whose indebtedness or implication in some pending trial or liability to punishment for infraction of law or to private parties, or to the government, they may have received notice in writing.

SECTION 4. It shall not be lawful to grant a passport to any man leaving his wife and family unprovided for, if such fact have been represented in writing to said collector general or collectors of customs, or their agents as aforesaid.

SECTION 5. All persons who have obtained passports to leave the kingdom, and who may return within one year, may leave again under the same passport, there being no written notice against him. Provided it be vised by the collector of the port from which any such party embark, but after the lapse of one year a new passport shall be required.

SECTION 6. Where said collector general or collector of customs vises passports he shall adhere to the following form: Knowing of no objection to the departure of the party named herein, I have vised this passport, by the (insert name of vessel) bound for (insert destination), at ———— this day of ———— 18——.

SECTION 7. The said collector general and collectors of customs shall account quarterly for all receipts arising from the issue of passports to the Minister of Finance.

SECTION 8. Every person who may have resided on the islands, living on shore for more than 14 days, shall be liable to take out a passport before he can leave the Kingdom.

SECTION 9. Every captain of a vessel, be the flag of such vessel Hawaiian or foreign, who shall convey out of this kingdom as a passenger, any person whatever to whom this act applies without a passport shall be subject for every such person, to a fine of fifty dollars, and moreover to be held liable for all the debts and obligations which said passenger may have left unpaid in this kingdom, and if he should not pay such fine and debts his vessel shall be subject to attachment, confiscation, and sale for the payment thereof.

SECTION 10. The provisions of this act shall not apply to any foreign Seaman who may have given bond to re-ship within sixty days, provided he re-ships within that period, nor to sailors regularly shipped under written permission of the Governors of Oahu and Maui, at Honolulu and Lahaina as the law provides.

SECTION 11. All existing laws and regulations relating to the issue of passports contrary to the provisions of this act shall cease and terminate in thirty days from the date of the publication hereof.

Approved this 24th day of June, A. D., 1852.

KAMEHAMEHA.

KEONI ANA.

AN ACT

TO DIVIDE THE HAWAIIAN ISLANDS INTO COLLECTION DISTRICTS.

BE IT ENACTED *by the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled :*

SECTION 1. The Hawaiian Islands shall be divided into Collection Districts as follows:

The Island of Hawaii into three, to be called the Collection Districts of Hilo, Kawaihae and Kealahou. The collection district of Hilo shall comprise all that portion of Hawaii known as Kau, Puna and Hilo. The collection district of Kawaihae, all that known as Hamakua and Kohala, and the collection district of Kealahou, all that known as Kona.

The islands of Maui, Molokai and Lanai shall be known as the collection district of Lahaina.

The island of Oahu shall be known as the collection district of Honolulu.

The islands of Kauai and Niihau shall be known as the collection district of Waimea; and the Collector General of Customs may grant permits for said districts.

SECTION 2. This act shall take effect on the day of its passage.

Approved, this 24th day of June, A. D., 1852.

KAMEHAMEHA.

KEONI ANA.

AN ACT

TO AMEND AN ACT TO PROVIDE LIGHTS FOR THE HARBOR OF
HONOLULU.

BE IT ENACTED *by the Nobles and Representatives of the Hawaiian
Islands in Legislative Council assembled:*

SECTION 1. That the words "promontory commonly known as Diamond Hill or Leahi" contained in the first section of an act entitled "An act to provide for lights for the Harbor of Honolulu" be and are hereby stricken out, and the words "Kakaako point on the East side of Honolulu Channel" be inserted in place thereof.

SECTION 2. This act shall take effect from and after the day of its passage.

Approved this 24th day of June, A. D., 1852.

KAMEHAMEHA.

KEONI ANA.

AN ACT

RELATING TO THE EMPLOYMENT AND PAY OF NATIVE SAILORS
ON BOARD OF FOREIGN VESSELS.

BE IT ENACTED *by the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled :*

SECTION 1. Every Native sailor who shall have been shipped on board a foreign vessel without having made a specific written agreement with the captain, shall be entitled on his discharge to receive compensation for his services, at the highest rate at which persons of his class on board said vessel are paid.

SECTION 2. It shall be optional with every native sailor discharged from a whale ship, to receive his pay either in cash upon mutual agreement with the captain as to the value of his share of the oil, bone, &c., taken, or he shall be at liberty to receive his share of the oil, bone, &c., should he prefer so to do.

SECTION 3. In case of disagreement in settlement between the captain of any ship and a native sailor, the District Attorney of the port where the discharge takes place, shall, upon application by such sailor, effect a settlement with the said captain for which service he shall receive five per centum on the amount paid.

SECTION 4. This act shall take effect from and after the day of its passage, provided, however, that the provisions of this act shall not extend to any sailor or sailors shipped previous to the passage of this act.

Approved this 24th day of June, A. D. 1852.

KAMEHAMEHA.

KEONI ANA.

AN ACT

TO AMEND AN ACT TO ORGANIZE A FIRE DEPARTMENT IN THE
CITY OF HONOLULU.

BE IT ENACTED *by the Nobles and Representatives of the Hawaiian
Islands in Legislative Council assembled:*

SECTION 1. That Section 1, Article I, of an act entitled "An Act to organise a Fire Department for the city of Honolulu," passed May 8th, 1851, shall be and the same is hereby amended to read as follows:

The Fire Department of the city of Honolulu shall consist of a Chief Engineer, four Fire Wardens, and so many firemen as may be approved by the chief engineer, not to exceed two hundred, and who shall be respectively designated by the several appellations aforesaid. All said officers and firemen shall, during the term of their service as such, be exempt from the annual road tax and military service.

SECTION 2. This act shall take effect from and after the day of its passage.

Approved this 24th day of June, A. D. 1852.

KAMEHAMEHA.

KEONI ANA.

AN ACT

TO REGULATE THE TONNAGE DUES AND OTHER CHARGES ON
MERCHANT AND WHALING VESSELS.

BE IT ENACTED *by the Nobles and Representatives of the Hawaiian
Islands in Legislative Council assembled :*

SECTION 1. There shall be but one rate of Tonnage Dues at each and all of the Ports of Entry for merchant vessels in this kingdom, and any vessel having paid the tonnage dues at one port, complied with all the port regulations and obtained a clearance from the collector of customs, may go to either or all of the other ports without paying any additional tonnage dues during the same voyage. The collector's receipt shall be the only sufficient evidence that the tonnage dues have been paid.

SECTION 2. A voyage of a whaling vessel, so far as relates to the provisions of this act shall be and is hereby defined to be "one whaling cruise."

SECTION 3. The tonnage dues shall be fifteen cents per ton register, whether in a harbor or roadstead, or inside or outside of the reef, on all merchant vessels from foreign countries, lading, unlading, or transshipping any cargo or passengers, or arriving from abroad and entering into the coasting trade. But vessels touching at either of the ports for repairs, supplies or refreshments, advices, shipment or discharge of crew, and neither lading, unlading or transshipping any cargo or passengers, shall be exempt from tonnage dues.

SECTION 4. All charges for tonnage dues, buoys, and boarding officers, shall be paid at the collector's office before lading, unlading or transshipping any cargo, supplies, stores, or passengers, or shipping or discharging any crew.

SECTION 5. Hawaiian vessels, whether licensed as coasters or

otherwise, taking on board passengers or cargo to be landed at or exported to any foreign country shall, at the first port where such passengers or cargo are taken on board, or if taken on board at a place not a port of entry for merchant vessels, then at the first such port touched at, give a manifest of all cargo, stores and passengers, and pay all dues to which foreign vessels are liable, and shall thereafter be liable to the same charges and restrictions as a foreign vessel, until again legally engaged in the coasting trade.

SECTION 6. No vessel having cargo on board intended for a foreign country shall touch at any place on these islands other than a port of entry, without first obtaining a permit to do so from the collector of that district, and if a vessel have spirits in cargo or stores the collector may at his discretion refuse a permit to such vessel, or put an officer on board who shall be paid two dollars and fifty cents per day while he remains on board, besides food and lodging, and ten dollars in addition to pay his passage and expenses back to the port from whence he sailed, all of which shall be at the expense of the vessel. For any violation of this section the vessel shall be liable to double tonnage dues.

SECTION 7. Whaling vessels bringing from or carrying to a foreign country any freight or passengers, and lading, unlading or transhipping the same in any of the ports of this kingdom shall be liable to the same tonnage dues and other charges as merchant vessels. But a whaling vessel may tranship the produce of the whale-fishery or any surplus stores without becoming liable to any tonnage dues. Provided however, that nothing in this act contained shall be construed contrary to the provisions of any treaty existing between this kingdom and any foreign state.

SECTION 8. This Act shall take effect on the 30th day after its passage.

Approved this 6th day of July, A. D. 1852.

KAMEHAMEHA.

KEONI ANA.

AN ACT

TO AMEND THE LAW OF MARRIAGE AND DIVORCE.

BE IT ENACTED *by the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled :*

SECTION 1. All marriages contracted whilst either of the parties has a former wife or husband living, shall be void, unless the former marriage shall have been dissolved for some cause other than the adultery of the person contracting such second marriage.

SECTION 2. Every woman who may be deceived into contracting a marriage with a man having another wife living, under the belief that he was an unmarried man, shall, when such marriage is declared void be entitled to a just allowance for the support of herself and family out of his property, which she may obtain upon application to any judge of a court of record at chambers, provided always, that such allowance shall not exceed one-third of his estate.

SECTION 3. The children of such illegal marriage shall inherit his estate equally with those of a lawful marriage in like manner as if born in lawful wedlock.

SECTION 4. This Act shall take effect from the day of its passage, and all laws or parts of laws in contravention thereof shall be and the same are hereby repealed.

Approved this 6th day of July, A. D. 1852.

KAMEHAMEHA.

KEONI ANA.

AN ACT

RELATING TO BOARDING OFFICERS, PILOTS AND HARBOR MASTERS AT THE DIFFERENT PORTS.

BE IT ENACTED *by the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled :*

SECTION 1. The office of pilot at Lahaina, Island of Maui ; Kawaihae and Kealakeakua, Island of Hawaii ; and Waimea, Island of Kauai, is hereby abolished. And it is hereby provided that an officer to be called a boarding officer, shall be appointed at each of the above named ports, (recommended and appointed in the same manner, and by the same officers as prescribed for the office of Pilot,) whose duty it shall be to board every Foreign vessel and every Hawaiian vessel coming from foreign ports, as soon as possible after their arrival ; receive the health certificate, deliver the printed port regulations to the commanding officer ; receive the list of passengers to be delivered at the Collector's office ; and report to the proper authorities all violations or suspected violations of the Revenue or Harbor laws, and at all times to hold himself in readiness to act as Pilot when required.

SECTION 2. For the faithful performance of the services enumerated in Section 1, of this Act, the Boarding officer shall be entitled to receive from each vessel boarded by him, the sum of five dollars, (which shall include pilotage when required,) to be paid by the vessel to the Collector of the port, before receiving a clearance.

SECTION 3. Previous to receiving his commission, the person to be appointed Boarding Officer, shall execute and deliver to the Governor of the Island to which he is appointed, a bond in the penalty of five hundred dollars, with satisfactory surety, conditions as follows :

The condition of this obligation is, That whereas the above bounden principal, has this day been appointed

Boarding Officer for the port of _____ Island of _____, now if he shall faithfully and honestly perform all the duties imposed on him as such by law, not countenance any evasion or infraction of the laws imposing duties upon imports or exports ; give notice to the proper officers of all violations or suspected violations of the Revenue or Harbor laws ; appoint a faithful and honest substitute to discharge the like duties with himself when requisite, (such substitute to be subject to the approval or rejection of the collector of the said Port,) ; being hereby accountable for all his acts in that capacity ; and in no way whatsoever neglect his duties, then this obligation to be void : otherwise upon proof being made to the satisfaction of a District or Police Justice, without the intervention of a jury, the penalty of this bond shall be forfeited to the extent of the injury committed or the loss sustained, and the same shall be collectable against said obligors, both principal and sureties.

[L. s.]

[L. s.]

SECTION 4. The pilotage at Hanalei, Island of Kauai, shall be the same as at Honolulu and Hilo.

SECTION 5. Foreign vessels and Hawaiian vessels in Foreign trade that may enter or leave either of the three ports named in the 4th Section of this Act without a Pilot shall be liable to one half pilotage.

SECTION 6. No vessel shall be entitled to a clearance from the collector of customs unless all proper charges at the Harbor Master's office shall have been settled : And the collector may require the captain or agent of the vessel to produce the harbor master's receipt or certificate to prove that he has settled all such bills.

SECTION 7. All laws contrary to the provisions of this Act are hereby repealed ; and this Act shall take effect ten days from and after the publication of the same in the Polynesian newspaper.

Approved this 6th day of July, A. D. 1852.

KAMEHAMEHA.

KEONI ANA.

AN ACT

TO EXEMPT CERTAIN PROPERTY FROM SALE UNDER EXECUTION.

BE IT ENACTED *by the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled:*

SECTION 1. The following property when owned by any person, being a housekeeper and having a family, shall be exempt from levy and sale under any execution. 1. The family bible, family pictures and school books used by or in the family of such person. 2. Two swine or six goats, and all necessary fish, meat, flour and vegetables, actually provided for family use, not to include kalo or any plant still growing or ungathered.

3. All necessary wearing apparel, mats, beds, bedsteads and bedding for such person and his family ; one poi board, one poi beater, two calabashes, one oo, one table, six chairs, six knives and forks, six plates, six tea-cups and saucers, one sugar-dish, one milk pot, one tea-pot, one coffee-pot and six spoons.

4. The tools and implements of any mechanic necessary for carrying on his trade or business, not exceeding fifty dollars in value.

5. The uniform of any officer or private belonging to any of the military forces of this Kingdom, and his arms and accoutrements.

SECTION 2. This Act shall take effect from the day of its passage.

Approved this 6th day of July, A. D. 1852.

KAMEHAMEHA.

KEONI ANA.

AN ACT

ESTABLISHING CERTAIN REGULATIONS FOR THE HARBOR OF
HONOLULU.

BE IT ENACTED *by the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled.*

SECTION 1. All vessels anchoring outside the reef off Honolulu shall, when so requested by the Harbor Master or either of the commissioned Pilots, change their anchorage, and anchor in such place as he may direct.

SECTION 2. All vessels that may enter the harbor of Honolulu, shall be anchored in the place designated by the harbor master or his assistant, and moved from one anchorage to an other as he may direct; and no vessel except Hawaiian coasting vessels of less than fifty tons burthen, and vessels under command of a pilot or an officer of the vessel, for the purpose of leaving the harbor, shall quit her anchorage or moorings until the commanding officer shall have received the written permission of the Harbor Master or his assistant.

SECTION 3. The harbor master or his assistant, or any pilot while removing a vessel from one anchorage or mooring to another, may make fast to any other vessel, or to any warp or wharf: and any person resisting the same, cutting away or casting off the warp or fastening, shall be liable to the penalty prescribed in Section 12 of this act; and the master of the vessel to which such person may belong shall be responsible for the damages and the fine.

SECTION 4. In order to facilitate the removing and placing of vessels in their proper berths at the different wharves, all vessels in the harbor shall, when requested by the harbor master, or his assistant, slack down their stream cables, and other fastenings, and also their bower chains.

SECTION 5. All vessels entering the Harbor of Honolulu, shall if so requested by the harbor-master, or either of the pilots, rig in their jib, flying-jib and spanker booms, and top their main and top-sail yards, within twenty-four hours after anchoring within said harbor, and in all cases before attempting to come alongside of, or make fast to either of the docks or wharves, and keep them so rigged in and topped, until within twenty-four hours before leaving the harbor, and until after removing from any wharf or dock.

SECTION 6. No combustible matter, such as pitch, tar, rosin or oil, shall be heated on board of any vessel within the harbor of Honolulu; but all such combustible articles shall be heated either on shore, or in a boat or on a raft, at a reasonable distance from the vessel, (of which the harbor master shall be the judge.)

SECTION 7. Any person who shall throw, or cause to be thrown into the harbor of Honolulu, or leave, or cause to be left upon the shores or reefs thereof any dead animal, shall be liable to be apprehended by any police officer and detained for trial, and be liable for each such offense to the penalty prescribed in Section 12 of this Act.

SECTION 8. Any vessel taking on board or discharging any ballast or coals within the Harbor of Honolulu, shall have a tarpaulin properly stretched and spread, so as to prevent any from falling into the water.

SECTION 9. The pilots at Honolulu shall bring the vessels which they may have charge of fully within the harbor, (within the inner buoy, unless otherwise directed by the harbor master,) and anchor them in a suitable and convenient place, under penalty of forfeiting their commissions.

SECTION 10. The harbor master at Honolulu shall not act as pilot, but he shall board all foreign vessels and Hawaiian vessels arriving from foreign ports, as soon as possible after they shall have entered the harbor, direct them where and how to moor or make fast, see that the commanding officer has the printed Port Regulations, and receive a list of passengers to be delivered at the collector general's office.

SECTION 11. The harbor master shall be entitled to collect and re-

ceive from each vessel boarded by him and services performed in accordance with Section 10 of this Act the sum of three dollars, in addition to the amount which he may pay for the use of boats and warps, and for labor in mooring or making fast such vessel, and if necessarily detained on board more than two hours at any one time, to receive at the rate of one dollar per hour for such extra detention ; and for each time that he may be called upon to board, or that it may be necessary for him to board any such vessel, after having once moored her properly, he shall be entitled to receive the same pay as in the first instance.

SECTION 12. For each and every violation of either of the provisions of this Act, contained in sections 1 to 13 inclusive, the person violating shall be liable to a fine not exceeding one hundred dollars, in the discretion of the court, and it shall be the duty of the harbor master to enter the necessary complaint.

SECTION 13. This act shall take effect ten days after its publication in the Polynesian newspaper.

Approved, this 6th day of July, A. D. 1852.

KAMEHAMEHA.

KEONI ANA.

AN ACT

AMENDING THE LAW RELATING TO THE NUMBER OF COPIES OF THE NEW LAWS TO BE SENT TO THE POLITICAL AND CONSULAR AGENTS OF FOREIGN NATIONS.

WHEREAS, when the law of the 2nd of November, 1840, providing for the promulgation and circulation of the laws, was enacted, the Government Press had not been regularly established, and, whereas the laws are now published in bound volumes;

Therefore,

BE IT ENACTED *by the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled :*

SECTION 1. That so much of the law of the 2d November, 1840, as requires that ten copies of a Hawaiian Newspaper, containing any new law of this Kingdom, should be furnished to every foreign consul, be and is hereby repealed.

SECTION 2. And be it enacted, that from the date of the publication hereof, it shall be the duty of the Minister of Foreign Relations, to pass officially, to every foreign representative or consul or other agent exercising consular functions, two copies in Hawaiian and English, of every volume of new laws, so soon after publication as possible; and the order of the said Minister shall be sufficient voucher to the officer in charge of the sale of the books of laws, for the delivery of the number specified in the order GRATIS.

SECTION 3. It shall be the further duty of the Minister of Foreign Relations, to pass two copies in Hawaiian and English, of every volume of new laws that may be published, to each of the Ministers, Charges d'Affairs, Consul General, consuls or other agents appointed by the King, or that may be appointed by His Majesty to reside abroad,

and also to all other parties to whom the King may order him to transmit such copies, all of which copies are to be furnished gratis, and to be obtained under the Minister's order as prescribed in Section 2 of this act.

The officer whose duty it is, or may be, to account for the sale of such books of Laws, Ministerial Reports, official pamphlets, &c., in rendering his quarterly accounts to the King's Treasury, shall take credit for the value of all such as may have been so ordered by the Head of any department, for official purposes, and the value shall be credited to such sales, by the auditor of public accounts, and charged to incidental expenses of the King's government.

The Ministers of the Interior, of Foreign Relations and of Finance, are respectively charged with the observance of this act, in their several Departments.

Approved this sixth day of July, A. D. 1852.

KAMEHAMEHA.

KEONI ANA.

AN ACT

LEVYING SPECIFIC DUTIES ON SUGAR, SYRUPS OF SUGAR AND COFFEE.

WHEREAS, our national prosperity is mainly dependent on the success of our Agricultural enterprises ; and whereas those enterprises are now languishing for the want of a market, and the fostering care and protection of the Government :

Therefore—

BE IT ENACTED *by the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled :*

SECTION 1. That the following duties shall be, and are hereby levied on all sugars and coffee, the produce of any country with whom this government has no existing treaty, viz :—

Two cents per pound on all sugars.

Ten cents per gallon on all molasses and syrups of sugar.

Three cents per pound on all coffee.

SECTION 2. This act shall take effect from the day of its passage.

Approved this 6th day of June, A. D. 1852.

KAMEHAMEHA.

KEONI ANA.

AN ACT

TO REPEAL SECTION VII, CHAPTER VI, PART IV, OF AN ACT ENTITLED "AN ACT TO ORGANISE THE EXECUTIVE DEPARTMENTS."

WHEREAS, Section 7, Chapter 6, of Part IV, of "An Act to organize the Executive Departments," is unnecessary, and calculated to delay the course of Justice :

Therefore,

BE IT ENACTED *by the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled :*

SECTION 1. That said Section be, and the same is hereby repealed.

SECTION 2. This act shall take effect on the day of its passage.

Approved this 6th day of July, A. D. 1852.

KAMEHAMEHA.

KEONI ANA.

AN ACT

TO REPEAL SECTIONS ONE, TWO, THREE AND FOUR OF CHAPTER FIVE, PART FOUR OF AN ACT ENTITLED "AN ACT TO ORGANISE THE EXECUTIVE DEPARTMENTS."

WHEREAS, the provisions contained in Sections 1, 2, 3 and 4, of Chapter 5, Part IV, of the "Act to organize the Executive Departments," are unnecessary and calculated to lead to collision between His Majesty's Government and religious associations.

Therefore,

BE IT ENACTED *by the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled :*

SECTION 1. That the four sections aforesaid be and the same are hereby repealed.

SECTION 2. This Act shall take effect from the day of its passage.

Approved this 6th day of July, A. D. 1852.

KAMEHAMEHA.

KEONI ANA.

AN ACT

RELATING TO DOWER.

BE IT ENACTED *by the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled:*

SECTION 1. Every woman shall be endowed of the one third part of all the lands owned by her husband at any time during marriage, in fee simple, in free hold, or for the term of fifty years or more, so long as twenty-five years of the term remain unexpired, but in no less estate, unless she is lawfully barred thereof.

SECTION 2. If a husband, seized of lands in fee simple, free hold, or for a term of fifty years as specified in the preceding section, shall exchange them for other lands, his widow shall not have dower in both, but shall make her election to be endowed of the lands given, or of those taken in exchange, within six months after the death of her husband, and if such election be not made she shall take her dower of the lands received in exchange.

SECTION 3. Where any person seized of lands as aforesaid, shall have executed a mortgage of such lands before marriage, the widow shall nevertheless be entitled to dower out of the lands mortgaged, as against every person except the mortgagee and those claiming under him.

SECTION 4. Where a husband shall purchase lands during coverture, and shall at the same time mortgage his estate in such lands to secure the payment of the purchase money, his widow shall not be entitled to dower out of such lands, as against the mortgagee or those claiming under him, although she shall not have united in such mortgage, but she shall be entitled to her dower as against all other persons.

SECTION 5. Where in such case the mortgagee, or those claiming under him, shall after the death of her husband, cause the land mortgaged to be sold, and any surplus shall remain, after the payment of the monies due on such mortgage, and the costs and charges of the sale, the widow shall be entitled to the interest or income of the one third part of such surplus, for her life as her dower.

SECTION 6. A widow shall not be endowed of lands conveyed to her husband by way of mortgage, unless he acquired an absolute estate therein during marriage.

SECTION 7. When a widow is entitled to dower in lands of which her husband died seized, she may continue to occupy the same, with the children or other heirs of the deceased, or to receive one third part of the rents, issues and profits thereof so long as the heirs do not object thereto, without having her dower assigned.

SECTION 8. A widow may remain in the house of her husband sixty days after his death, without being chargeable with rent therefor, and in the meantime she shall have her reasonable sustenance out of his estate.

SECTION 9. In case of divorce, dissolving the marriage contract, for the misconduct of the wife, she shall not be endowed.

SECTION 10. A woman may bar her right of dower, in any estate conveyed by her husband, by joining with him in the deed conveying the same, and therein releasing her claim to dower, or by a separate deed releasing the same, made at the time of the conveyance by her husband or subsequently.

SECTION 11. A woman may also be barred of her dower in the lands of her husband, by a jointure settled on her with her assent before her marriage, provided such jointure consists of an estate in lands, for the life of the wife at least, to take effect immediately on the death of her husband; her assent to such jointure being expressed, if she be of full age, by her becoming a party to the conveyance by which it is settled, and if she be under age, by her joining with her father or guardian in such conveyance.

SECTION 12. Any pecuniary provision that shall be made for the benefit of an intended wife, and in lieu of dower shall, if assented to as provided in the preceding section, bar her right of dower in all the lands of her husband.

SECTION 13. If any such jointure or pecuniary provision, in lieu of dower, be made before the marriage, and without the assent of the intended wife, or if it be made after marriage, it shall bar her dower, unless she shall within six months after receiving notice of the death of her husband and of such jointure or pecuniary provision, make her election, waive such jointure or provision, and to be endowed of the lands of her husband.

SECTION 14. If any provision be made for a widow in the will of her husband, she shall within six months after probate of the will, make her election or be endowed of his lands; but she shall not be entitled to both, unless it plainly appears by the will, to have been the intention of the testator, that she should have such provision, in addition to her dower.

SECTION 15. This act shall take effect from its passage, and repeal all acts, or parts of acts in contravention thereof; provided, however, that it shall not affect the widow's right of dower in the personal property of her husband.

Approved this 10th day of July, A. D. 1852.

KAMEHAMEHA.

KEONI ANA.

AN ACT

TO PROVIDE FOR THE ERECTION OF PRISONS FOR FEMALES DISTINCT AND SEPARATE FROM THE MALES.

BE IT ENACTED *by the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled:*

SECTION 1. The Minister of the Interior shall have power to erect jails for female prisoners on the several Islands, separate, distinct and in different districts from those which may be erected for the male prisoners, wherever in his opinion such separation shall be conducive to the morality, industry and reform of said prisoners.

SECTION 2. This Act shall take effect on the day of its passage.

Approved this 10th day of July, A. D. 1852.

KAMEHAMEHA.

KEONI ANA.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO ORGANISE THE
EXECUTIVE MINISTRY."

BE IT ENACTED *by the Nobles and Representatives of the Hawaiian
Islands in Legislative Council assembled ;*

SECTION 1. That Section 26 of the "Act to organize the Executive Ministry" be and the same is hereby amended by striking out the words "Supreme Court," and inserting in their place "Circuit Court of their respective Islands," and further by striking out the words "His Majesty as the supreme executive," and inserting in their place the "presiding judge."

SECTION 2. This Act shall become a law on the day of its passage.

Approved this 10th day of July, A. D. 1852.

KAMEHAMEHA.

KEONI ANA.

AN ACT

PREScribing THE NUMBER OF POLICEMEN TO BE APPOINTED
IN THE SEVERAL ISLANDS.

WHEREAS, it is thought proper to fix by law the number of policemen
for each of the Islands;

Therefore,

BE IT ENACTED *by the Nobles and Representatives of the Hawaiian
Islands in Legislative Council assembled:*

SECTION 1. That the number of Policemen for the island of Oahu
be fixed at 200 ; for the island of Maui and its dependencies 180 ; for
the island of Hawaii 200 ; and for the islands of Kauai and Niihau
80.

SECTION 2. This Act shall become a law of the Kingdom sixty
days after the time of its publication in the Polynesian and Elele Ha-
wail.

Approved this 10th day of July, A. D. 1852.

KAMEHAMEHA.

KEONI ANA.

AN ACT

RELATING TO DISTRICT COURTS.

BE IT ENACTED *by the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled :*

SECTION 1. That the power which is given to Police Magistrates to adjourn proceedings at the request of either party, on the payment of twenty-five cents, shall be and the same is hereby extended to District Justices.

SECTION 2. This Act shall become a law on the day of its passage.

Approved this 22d day of July, A. D. 1852.

KAMEHAMEHA.

KEONI ANA.

AN ACT

RELATING TO THE RECORDING OF CONVEYANCES.

BE IT ENACTED *by the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled :*

SECTION 1. Every deed, lease, or other conveyance of real estate within this Kingdom, hereafter made, shall be recorded in the office of the Registrar of Conveyances, and every such conveyance not so recorded, shall be void as against any subsequent purchaser in good faith and for a valuable consideration, not having actual notice of such conveyance of the same real estate, or any portion thereof, whose conveyance shall be first duly recorded.

SECTION 2. To entitle any conveyance hereafter made, to be recorded, it shall be acknowledged by the party or parties executing the same before the Registrar of conveyances of this kingdom, or his agent, or any Judge of a Court of record or notary public within this kingdom, or in any foreign country, or before any Commissioner appointed for that purpose by the King, or before any Minister, Commissioner or Consul of the Hawaiian Islands in any foreign country. But in case the grantor shall die, or depart from the kingdom without having acknowledged his deed, or shall refuse to acknowledge his deed, it may be entered of record on proof of its execution by a subscribing witness thereto before any judge of a Court of Record in this kingdom. If all the subscribing witnesses to such deed or other conveyance of real estate shall be dead or out of the kingdom, the same may be proved before any court of record in this kingdom by proving the handwriting of the grantor and any subscribing witness.

SECTION 3. Every officer who shall take the acknowledgment or proof of any conveyance shall endorse a certificate thereof, signed by himself, on the conveyance, and in cases of proof, give the names of

the witnesses examined before such officer, their places of residence, and the substance of the evidence by them given.

SECTION 4. Every conveyance, acknowledged or proved, and certified in the manner above prescribed, by any of the officers before named, may be read in evidence, without further proof thereof, and shall be entitled to be recorded.

SECTION 5. The record of a conveyance duly recorded, or a transcript thereof, duly certified, may also be read in evidence, with the like force and effect as the original conveyance. Neither the certificate of acknowledgement, or the proof of any conveyance, shall be conclusive, but may be rebutted, and the force and effect thereof may be contested by any party affected thereby. If the party contesting the proof of a conveyance, shall make it appear that such proof was taken upon the oath of an interested or incompetent witness, neither such conveyance nor the record thereof shall be received in evidence until established by other competent proof.

SECTION 6. Every conveyance entitled by law to be recorded, shall be recorded in the order, and as of the time when the same shall be delivered to the Registrar for that purpose, and shall be considered as recorded from the time of such delivery.

SECTION 7. This Act shall take effect from the day of its passage, and acts or parts of acts in contravention of the same shall be and are hereby repealed.

Approved this 27th day of July, A. D. 1852.

KAMEHAMEHA.

KEONI ANA.

AN ACT

RELATING TO THE ENTRY OF WHALING VESSELS.

BE IT ENACTED *by the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled :*

SECTION 1. All masters of whaling vessels shall enter their ships at the Collector's office within forty-eight hours after their arrival at either of the ports of entry, and previous to discharging or shipping any seamen, or taking off any supplies or stores, under a penalty of not less than ten, nor more than one hundred dollars.

SECTION 2. This act shall take effect on the thirtieth day after its passage.

Approved this 17th day of July, A. D. 1852.

KAMEHAMEHA.

KEONI ANA.

AN ACT

RELATING TO THE STORES OF VESSELS.

BE IT ENACTED *by the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled :*

SECTION 1. The masters of all merchant vessels shall, at the time of delivering the inward manifest of their cargo, or, if they have no cargo, within forty-eight hours after their arrival, deliver, under oath, a list of all stores on board their vessels at the time of arrival, under penalty of forfeiting all stores not on such list, and a fine of one hundred dollars. All masters of whaling vessels shall in like manner and time furnish a list of all wines and spirits on board as stores, and a manifest of all cargo and freight, except the produce of their fishery, and the outfits, provisions, and furniture of their vessel, under the penalty of forfeiting all such stores, cargo or freight as are not on the list of stores or the manifest, and a fine of one hundred dollars.

SECTION 2. No vessel shall engage in the coasting or carrying trade of these Islands having on board any spirits, wines, or other stores which have not paid the legal duties in this kingdom, under penalty of not less than twenty, nor more than five hundred dollars, in the discretion of the court, which penalty may be imposed by any district Justice without the intervention of a jury.

SECTION 3. All stores that may be taken from bond, or transhipped from other vessels, and the names and sexes of all passengers shall be entered on the outward manifest before the clearing of the vessel; and if any stores or passengers shall be added thereto, or deducted therefrom, the master of such vessel shall make the necessary alteration on the manifest under penalty of ten dollars.

SECTION 4. This act shall take effect on the thirtieth day after its passage.

Approved this 27th day of July, A. D. 1852.

KAMEHAMEHA.

KEONI ANA.

AN ACT

REGULATING THE DUTIES ON THE PRODUCTS OF THE WHALE
FISHERY.

SECTION 1. All oil, bone, and other products of the sea, taken by an Hawaiian vessel, may be imported into this kingdom free of duty, but the same shall be entered and permitted at the Custom House in the same manner as goods liable to five per cent. ad valorem duty.

SECTION 2. All oil, bone, and other products of the whale fishery imported into this kingdom in any foreign vessel, or, being the product of any foreign fishery and imported in an Hawaiian vessel, and sold or landed, shall be considered to have been imported for consumption, and shall be liable to the duty of five per cent ad valorem, and not entitled to any drawback if re-exported, unless the same shall have been stored in the Custom House stores, or under the direction of the Collector of Customs.

SECTION 3. This act shall take effect on the thirtieth day after its passage.

Approved this 27th day of July, A. D. 1852.

KAMEHAMEHA.

KEONI ANA.

AN ACT

PROVIDING FOR THE ARREST OF DEBTORS.

SECTION 1. That upon a complaint verified by the oath of the plaintiff in any suit, or some person on his behalf, being filed with the clerk of any court of record in this kingdom, stating that a defendant has contracted a debt in a fraudulent manner, or seeks to evade the payment of any debt, or any other liability due to such plaintiff, by secreting his property, or by transferring, or intending to transfer the same to any third party, or is about to remove the same out of the jurisdiction of such court, or is about to quit this kingdom, it shall be lawful for such court, upon the filing of the bond hereinafter provided, to issue process for the arrest and detention of such defendant until he shall have entered into security, with sufficient sureties, to abide the result of such suit, and to pay the amount of such judgment as shall be rendered thereon. Provided, however, that no such process of constraint shall be issued by such court until such plaintiff, or some person on his behalf, shall have filed a sufficient bond, in a reasonable amount, for the re-imbusement to such defendant of all damages and costs which he shall sustain in consequence of such arrest, in case plaintiff shall fail to sustain such suit.

SECTION 2. This Act shall take effect on the day of its passage, and all acts or parts of acts in contravention of this, shall be and are hereby repealed.

Approved this 27th day of July, A. D. 1852.

KAMEHAMEHA.

KEONI ANA.

JOINT RESOLUTION

IN REGARD TO THE APPROPRIATION BILL.

BE IT RESOLVED *by the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled:*

That pending the discussion on the Bill of Appropriations, in order to meet the present exigencies of the King and Government, the Minister of Finance is hereby authorised to pay all drafts duly presented by the proper persons, on the items of said Bill which have already been agreed upon by both Houses of the Legislature; but said Minister shall advance nothing on the remaining items of the Bill until finally agreed upon.

Approved this 6th day of July, A. D. 1852.

KAMEHAMEHA.

KEONI ANA.

JOINT RESOLUTION.

BE IT RESOLVED *by the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled :*

That an appropriation of two hundred dollars be made for the purchase of the portrait of His late Majesty KAMEHAMEHA I., now exposed for sale at the auction room of Mr. F. W. Thompson, and that a further appropriation of forty dollars be made for framing the said picture, which is to be hung up in the new Hall of the Representatives.

Approved this 6th day of July, A. D. 1852.

KAMEHAMEHA.

KEONI ANA.

RESOLUTION.

BE IT RESOLVED *by the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:*

SECTION 1. That the Minister of the Interior shall cause the Forts of Honolulu and Lahaina to be removed, and the material therein to be applied in the construction of prisons, and the filling up of the reef at Honolulu, and construction of prisons and breakwater at Lahaina.

SECTION 2. That the Minister of the Interior is hereby authorised to remount the guns at Lahaina upon a battery to be prepared North-west of the present fort on the point of land called Beretania.

SECTION 3. That the Minister of the Interior shall cause to be erected a saluting battery at Honolulu, on the shore and mounting such new guns as may be requisite for the purpose.

SECTION 4. The expenses of removing the forts mentioned in the first section are to be charged to whatever purpose the material is used for, and the expenses of the batteries to be drawn for upon the Minister of Finance.

Approved this 6th day of July, A. D 1852.

KAMEHAMEHA.

KEONI ANA.

JOINT RESOLUTION.

BE IT RESOLVED *by the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled :*

SECTION 1. After the Fort at Lahaina shall have been demolished, it shall be the duty of the Minister of the Interior to erect two Government Houses on the site of the said Fort, viz: a Market House, and a Custom House; a part of the stones of said Fort shall be used in building said houses; the Market House shall be named HOAPILI HOUSE, in honor of Hoapili, the late Governor of Maui.

SECTION 2. No part of the site of said Fort shall be sold or leased for a long period.

Approved this 10th day of July, A. D. 1852.

KAMEHAMEHA.

KEONI ANA.

JOINT RESOLUTION.

BE IT RESOLVED *by the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled:*

That 2000 copies of the new constitution in the Hawaiian language and 500 copies in the English language, shall be printed in octavo form immediately after the passage of this Resolution, and that each member of the legislature be furnished with two copies, one in each language, and that the cost be charged to the appropriation for printing laws and public documents of this session.

Approved this 10th day of July, A. D. 1852.

KAMEHAMEHA.

KEONI ANA.

JOINT RESOLUTION.

WHEREAS, what yet remains unsold of the Ili of Kahapaakai in the valley of Nuuanu and one of the Fort lands, is so situated towards His Majesty's land of Kaluakaha that if disposed of to any person but His Majesty much inconvenience must ensue ;

And whereas, his Majesty has expressed a strong wish to possess the Ili of Kahapaakai aforesaid, and made application for the same to his Privy Council who could not however dispose of it,

Therefore,

BE IT RESOLVED by the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:

That the Ili of Kahapaakai in Nuuanu Valley, be presented in the name of his people to His Majesty the King, reserving the rights of third parties in the same, and that nothing contained in the law authorizing the sale of Fort lands by public auction, shall be applicable to Kahapaakai, which is hereby excluded from among the lands to be so sold.

Approved this 22d day of July, A. D. 1852.

KAMEHAMEHA.

KEONI ANA.

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